03-03-04

PATENT

Attorney Docket No. 101.0056-16000

Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Application of:

Gary K. Michelson

Serial No.: 10/664,776 Filed: September 17, 2003

For: BONE PLATE HAVING A PORTION)

ADAPTED TO OVERLIE A

FASTENER

Confirmation No.: 4856

Group Art Unit: 3731

Examiner: (N/A)

Commissioner for Patents P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL

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Date of Deposit: March 1, 2004

I hereby certify that:

- 1. Information Disclosure Statement Under 37 C.F.R. § 1.97(b)
- 2. Form PTO-1449
- 3. 8 documents
- 4. Self-addressed return postcard receipt

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

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Date: March 1, 2004

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Attorney Docket No. 101.0056-16000

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INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents are attached.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

In lieu of a statement of relevance or translation of the non-English document, an English language abstract and version of a search report from the European Patent Office in a corresponding application citing this document and setting forth the relevance thereof is enclosed.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines

that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: March 1, 2004

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OMB 0651-0031 Via U.S. Express Mail Label No. ER521780359US Customer No. Substitute for FORM PTO-1449 Attorney Docket Number. 22882 101.0056-16000 O I ANEQRMATION DISCLOSURE CITATION **Applicant Application Number** IN AN APPLICATION 10/664,776 Gary K. Michelson MAR 0 2 2004 (Use several sheets if necessary) **Filing Date Group Art Unit** Examiner N/A 3731 . September 17, 2003 Sheet 1 of 1 **U.S. PATENT DOCUMENTS EXAMINER FILING DATE IF DOCUMENT NUMBER** DATE **CLASS SUBCLASS** NAME INITIAL **APPROPRIATE** 4,338,926 07/1982 Kummer et al. 5,562,672 10/1996 Huebner et al. 6,342,055 01/2002 Eisermann et al. **FOREIGN PATENT DOCUMENTS TRANSLATION DOCUMENT NUMBER** DATE COUNTRY **CLASS SUBCLASS** (YES/NO) 0 554 915 08/1993 Europe N/A 2 740 321 04/1997 France **Abstract Only** WO 90/02526 03/1990 **WIPO** N/A WO 95/31941 11/1995 **WIPO** N/A OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) European Search Report dated January 20, 2004 of corresponding European Patent Application No. 03028649. company

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.